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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,052	10/12/2005	Yuji Kintaka	M1071.1939	2107
32172 759 DICKSTEIN SHA	· -	EXAMINER		
1177 AVENUE C	F THE AMERICAS	GROUP, KARL E		
NEW YORK, NY 10036-2714			ART UNIT	PAPER NUMBER
		1755		
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SHORTENED STATUTORY P	PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE	
3 MONTHS		Ó4/24/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Fatherises for the may be available under the provision of 30° CRT 130°B(), no event, mover, may a reply be timely filled If NO period for reply is appendied above, the maximum statutory period will apply and will expire SIX (8) MONTHS from the mailing date of this communication. Fathurs to reywheith ne set of exceeded period for reply is pecialled above, the maximum statutory period will apply and will expire SIX (8) MONTHS from the mailing date of this communication. Fathurs to reywheith ne set of exceeded period for reply is pecialled above, the maximum statutory period will apply and will expire SIX (8) MONTHS from the mailing date of this communication. Fathurs to reywheith need to exceeded period for reply will by status, cause the spinication Deceme ABANDEDG (50 U.S.C. \$100°C). Fathurs to reply whether the set of the mailing date of this communication, even if timely filed, may reduce any. Fathurs to replication is condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-3 and 5-21 is/are pending in the application. 4) Claim(s) 1-3 and 5-21 is/are rejected. 7) Claim(s) 1-3 and 3-21 is/are rejected. 7) Claim(s) 1-3 5.6 and 9-21 is/are rejected. 7) Claim(s) 1-3 5.6 and 9-21 is/are rejected. 8) The specification is objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. Application Papers 9) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Application Papers 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Application Papers of the provisity documents have been received in Application No a) All b) some * c)								
## Examiner		Application No.	Applicant(s)					
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1) □ Responsive to communication(s) filed on	WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tin will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133). ′					
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Claim Rejections - 35 USC § 102 and 103

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 2. Claims 1-3,5,6,9-21 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over WO 02/49984 (equivalent to Tanaka et al (6,908,872)). US 6,908,872 will be referenced.

Tanaka et al teach translucent ceramic composition including Ba(Sn Zr)Mg Ta O_w; Ba (Zr Mg Ta) O_w or Ba ((Sn Zr) Zn Mg) Nb)O_w, where w maintains the neutrality. The ceramic compositions are used for optical parts. The translucent composition is doped with Ti (column 24, lines 58-67) to change the index of refraction. The claimed range of Ti of greater than zero are considered inclusive of dopant amounts. Although the index of refraction is not disclosed, it is well settled that when a claimed composition appears to be substantially the same as a composition disclosed in the prior art, the burden is properly upon the applicant to prove by way of tangible evidence that the prior art composition does not necessarily possess characteristics attributed to the CLAIMED composition. In re Spada, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Circ. 1990); In re Fitzgerald, 619 F.2d 67, 205 USPQ 594 (CCPA 1980); In re Swinehart, 439 F.2d 2109, 169 USPQ 226 (CCPA 1971).

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3. Claims 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art of record fails to teach or fairly suggest the claimed method where a mixture of ceramic raw materials are formed and fired in the presence of a co-firing composition.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl E. Group whose telephone number is 571-272-1368. The examiner can normally be reached on M-F (6:30-4:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on 571-272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000:

Karl E Group Primary Examiner Art Unit 1755

Keg 4-18-07